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Inchcape Shipping Services Guam LLC

**FILED**  
DISTRICT COURT OF GUAM

OCT 20 2006 *nba*

**MARY L.M. MORAN**  
**CLERK OF COURT**

IN THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

INCHCAPE SHIPPING SERVICES GUAM  
LLC,

Plaintiff-in-Intervention,

vs.

MARWAN SHIPPING & TRADING CO.,  
FIVE SEAS SHIPPING CO., LLC, and S.J.  
GARGRAVE SYNDICATE 2724, *in*  
*personam*,

Defendants.

CIVIL CASE NO. CIV06-00011

**PLAINTIFF-IN-INTERVENTION  
INCHCAPE SHIPPING SERVICES  
GUAM LLC'S ANSWER TO  
COUNTERCLAIM OF DEFENDANTS  
/ COUNTER CLAIMANTS MARWAN  
SHIPPING & TRADING, CO. AND  
FIVE SEAS SHIPPING CO., LLC;  
DECLARATION OF SERVICE**

Plaintiff-in-Intervention Inchcape Shipping Services Guam LLC's Answer to Defendants  
and Counter Claimants' Marwan Shipping & Trading Co. and Five Seas Shipping Co., LLC's  
Counterclaim:

**ORIGINAL**

1. Paragraph 1 is admitted.

2. (a). On information and belief, it appears that Marwan has a place of business in the United Arab Emirates. Inchcape denies Marwan has no commercial responsibility for the M/V AJMAN 2.

(b). On information and belief, it appears that Five Seas has a place of business in the United Arab Emirates and manages the M/V AJMAN 2.

(c). Inchcape's principal place of business is Guam, U.S.A.. The agency agreement for the M/V AJMAN 2 speaks for itself.

3. Paragraph 3 is denied.

4. Paragraph 4 is denied.

5. Paragraph 5 is denied.

6. Paragraph 6 is denied.

#### DEFENSES

1. The counterclaim fails to state a claim upon which relief may be granted.

2. The losses and damages alleged were either caused or contributed to by Marwan and Five Seas' negligence and comparative fault thus barring or reducing their claims and damages accordingly.

4. Marwan and Five Seas' alleged losses and damages were either caused or contributed to by third persons over whom Inchcape had no control or right of control, thus barring the counterclaim against Inchcape.

5. Marwan and Five Seas' alleged losses and damages were caused solely by negligent superseding acts attributable to Marwan and Five Seas, and/or other persons and circumstances over which Inchcape had no control or right of control.


6. Marwan and Five Seas have failed to mitigate losses and damages and have otherwise failed to take reasonable steps to avoid the consequences of the incident alleged.

7. Inchcape asserts as defenses waiver, estoppel, unclean hands, statute of limitations and assumption of risk.

8. Inchcape's defenses include all those which may become apparent as discovery is conducted.

DATED: Hagåtña, Guam, October 20, 2006.

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DAVID LEDGER  
ELYZE J. MCDONALD  
Attorneys for Plaintiff-in-Intervention  
Inchcape Shipping Services Guam LLC

**DECLARATION OF SERVICE**

I, David Ledger, hereby declare under penalty of perjury of the laws of the United States, that on October 20, 2006, I will cause to be served, via hand delivery and by e-mail, true and correct copies of the Plaintiff-in-Intervention Inchcape Shipping Services Guam LLC's Answer to Defendants Marwan Shipping & Trading, Co. and Five Seas Shipping Co., LLC's Counterclaim; Declaration of Service, upon the following:

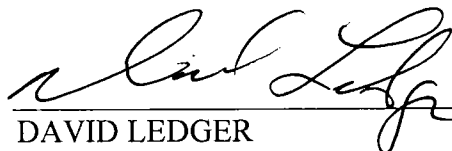
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*and*

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DATED: Hagåtña, Guam, October 20, 2006.

  
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DAVID LEDGER